

REMARKS

Claims 1-39 were pending in the application. Claims 13, 14, 29, and 30 have been cancelled without prejudice and Claims 1-4, 15-20, 31, and 33 have been amended. Therefore, Claims 1-12, 15-28, and 31-39 are pending in the application. Claims 7-10, 23-26, and 34-39 have been withdrawn from consideration.

Restriction/Election

The Examiner has asserted that the claims of the above-referenced application are directed to more than one invention and identified the following two sets of claims for the claimed invention:

I: Claims 1-33, drawn to a planter receptacle

II: Claims 34-39, drawn to a method of mounting a planter receptacle on a railing.

The Examiner has required Applicant to elect a single invention for prosecution on the merits.

Applicant therefore provisionally elects the invention identified above as "I: Claims 1-33."

With regard to Invention I, the Examiner has also identified several species:

Species I, as shown in Figures 1-5

Species II, as shown in Figure 6

Species III, as shown in Figure 7

Species IV, as shown in Figures 8-10

Species V, as shown in Figure 11.

Applicant provisionally elects Species I, which corresponds to Claims 1-6, 11, 12, 15-22, 27, 28, and 31-33.

Traverse

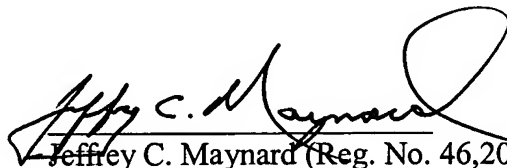
Applicant respectfully traverses the Examiner's restriction requirement with regard to the various species identified, and requests reconsideration and withdrawal of the restriction requirement. All of the claims are directed to the same invention having one independent claim that includes limitations for a planter receptacle that is adapted to be mounted on a railing in a variety of configurations. Accordingly, Applicant respectfully traverses the restriction requirement.

CONCLUSION

Applicant has made a diligent effort to address the restrictions identified by the Examiner. In view of the above amendments and remarks, all pending claims are believed to be patentable, and thus, the case is in condition for allowance. In the event that there is any question concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited. Examination on the merits of this application is awaited.

Respectfully submitted,

5/19/05
Date


Jeffrey C. Maynard (Reg. No. 46,208)
Attorney for Applicant
WHITEFORD, TAYLOR & PRESTON L.L.P.
Seven Saint Paul Street
Baltimore, Maryland 21202-1626
(410) 347-9496